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<b>To:</b> Office of Petitions	<b>From:</b> Marjorie Scariati
<b>Fax:</b> 703-308-6916	<b>Pages:</b> 4
<b>Phone:</b>	<b>Date:</b> 3/20/03
<b>Re:</b> 10/039,242	<b>CC:</b>

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Please see attached Petition Under 37 CFR 1.136(a) and Response to Decision Refusing Status Under 37 CFR 1.47(a).

#6

I hereby certify that this correspondence is being deposited with the United States Patent Office, Assistant Commissioner for Patents, on MARCH 20, 2003 via facsimile to the Office of Petitions at: 703-308-6916.

Date 3/20/03

Signature: Maajorie Scariati  
Maajorie Scariati

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Yuan P. Li et al.

Serial No.: 10/039,242

Filed: 12/31/2001

Title: WIDE PASSBAND OPTICAL INTERLEAVER

Art Unit: 2661

Docket No.: 00-17

Via Facsimile 703-308-6916  
Office of Petitions  
Assistant Commissioner for Patents  
Washington, DC 20231

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PETITIONS OFFICE

**PETITION UNDER 37 CFR 1.136(a) AND RESPONSE TO DECISION REFUSING  
STATUS UNDER 37 CFR 1.47(a)**

Sir:

Applicants hereby petition the Assistant Commissioner to grant a four (4) month extension of time, up to and including Thursday, March 20, 2003, in which to respond to the Decision Refusing Status Under 37 CFR 1.47(a) dated September 20, 2002 in the above-identified application. The extension fee in the amount of \$725.00 may be charged to deposit account No. 50-1047. In addition, any deficiencies may be charged to deposit account No. 50-1047.

The Decision to Refuse Status indicates that the Petition Under 37 CFR 1.47(a) filed on August 13, 2002 (certificate of mailing date August 6, 2002) does not meet the requirement of Rule 47 (1), i.e. that the applicant has provided insufficient "proof that the non-signing inventor

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cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, drawings, oath or declaration).

As to inventor Kevin Sullivan, filed herewith please find a statement from Dr. Sheau Chen, President and CEO, WaveSplitter Technologies, Inc., clarifying that the "documents" received by Mr. Sullivan on May 7, 2002 and again on May 24, 2002 included not only Declaration and Assignment documents, but a copy of the entire application (specification, claims, abstract, and drawings) as well.

In view of the enclosed clarified statement, Applicant hereby petitions the Assistant Commissioner to accept this application without the signature of the fourth inventor, and to maintain the December 31, 2001 filing date of this application accordingly. It is respectfully requested that a written decision granting this Petition be provided, and that the application proceed to the appropriate Technology Center for Examination accordingly.

Respectfully submitted,



Karin L. Williams Reg. No. 36,721

Attorney for Applicant  
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March 17, 2003

This will confirm that WaveSplitter Technologies, Inc. ("WaveSplitter") has made reasonable efforts to secure the signature of its former employee, Kevin Sullivan, to the Assignment for the United States Patent Application form and to the Declaration and Power of Attorney For Patent Application form for its U.S. Patent Application Serial No. 10/039,242 and U.S. Patent Application Serial No. 10/038,882, respectively.

WaveSplitter sent written requests to Mr. Sullivan via Federal Express to his last known place of residence on May 7, 2002, and again on May 24, 2002. In each case, these requests included a copy of the application as filed in matter 10/039,242 and in matter 10/038,882 for Mr. Sullivan's review, including specification, claims, abstract and drawings, as well as the Declaration and Assignment documents for each matter for Mr. Sullivan's signature.

Attached are copies of the Federal Express email confirmations confirming Mr. Sullivan's receipt of the above documents. To date, Mr. Sullivan has failed to respond to any of the efforts made to contact him.

A handwritten signature in black ink, appearing to read "Dr. Sheau Chen", written over a horizontal line.

Dr. Sheau Chen  
President and CEO  
WaveSplitter Technologies, Inc.

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